

## THE CITY OF CLAYTON

Board of Aldermen  
City Hall – 10 N. Bemiston Avenue  
November 12, 2013  
7:10 p.m.

### Minutes

Mayor Sanger called the meeting to order and requested a roll call. The following individuals were in attendance:

Aldermen: Michelle Harris, Andrea Maddox-Dallas, Cynthia Garnholz, Mark Winings, Joanne Boulton, and Alex Berger III.

Mayor Sanger  
City Manager Owens  
City Attorney O'Keefe

Mayor Sanger asked for any questions or comments relating to the October 22, 2013 minutes, which were previously provided to the Board.

**Alderman Garnholz moved to approve the October 22, 2013 minutes. Alderman Maddox-Dallas seconded the motion.**

**Mayor Sanger noted that there was a correction made to the draft minutes that was previously posted.**

**The motion to approve the minutes passed unanimously on a voice vote.**

### PUBLIC REQUESTS AND PETITIONS

Mr. Steve Rosenblum, 7501 Westmoreland, addressed the Board with regard to the School District's proposed sale of the Maryland School property and urged the City to consider purchasing the property to continue to be used as green space.

Mr. Scott Partridge, 7511 Westmoreland, addressed the Board with regard to the School District's proposed sale of the Maryland School property. He said that he favors development and an increase in Clayton's tax base, but he is in opposition of a possible development for this location. He is urging the City to consider preserving the Maryland School property to be used as green space and provide a park and playgrounds for the neighborhood. He commented that he has heard that the School has signed a letter of intent with a developer for a proposed condominium and he is asking the City to provide more information to the citizens and to engage and dialog with the School Board and developers in advance of the foreseen sale of the Maryland School property.

Mayor Sanger clarified that the City has not seen nor heard of any information with regard to a letter of intent to sale. The Board of Aldermen has been informally communicating with the Board of Education about the property (owned by the School Board). The City has provided feedback about how the process would work depending on who was elected to purchase the property. He stressed that there is really no response that the City could give if they have not received a proposal. He pointed out that if a development is proposed it would require a possible amendment to the zoning and would require an arduous process that entails multiple public hearings, a multitude of meetings with Planning and Zoning, thorough staff review, and then eventually the proposal will come before the Board of Aldermen for final approval.

Mayor Sanger stated that this Board has always tried to be a transparent Board and any information that the City receives will be shared via the web site, notifications will be sent out to the community, and the Board will be as communicative with the citizens as they possibly can be.

Annaliese Schaefer, 7527 Westmoreland, addressed the Board stating that she is here on behalf of the committee that is working on preserving the Maryland School property as green space. The committee is encouraging the Board of Aldermen to work with the Board of Education to reach a solution to keep it as park space satisfying the needs of the primary interested parties – the city, the School Board, and the community.

Mr. Jeff Morrissey, 7611 Maryland, addressed the Board stating that the Maryland School property is located in a single family residential area and is zoned R-2. He is concerned more about the density and what type of development would be proposed and how it could change the look of the neighborhood if a possible rezoning is approved.

Mr. Steve Bruce, 7606 Maryland, addressed the Board commenting that upon hearing the rumored speculations he wanted to share the children's reactions of the news with the Board of Aldermen. Those reactions were of sadness, anger, and confusion. He said that he also gave a lecture to his son on the City's zoning laws. He told the Board that his son commented that the School Board wants everyone to follow their rules, but they do not follow the rules that are set forth by the community. He strongly urged the Board to not change the formalities and zoning requirements for any development that may come in the future.

Mayor Sanger expressed his appreciation that the citizens contribute their thoughts and ideas by coming before the Board democratically on behalf of the common interest of the community. He stressed that the City has a process that will be fully vetted and they will take everything into consideration.

#### A MOTION TO CONSIDER AN APPEAL FROM ARCHITECTURAL REVIEW BOARD ACTION FOR 15 NORTH MERAMEC AVENUE

City Manager Owens reported that this is an appeal of the Architectural Review Board's decision to deny an application submitted by Brian Ivy, Architecture, for exterior renovations to the front façade of the subject building located at 15 N. Meramec. Since submission, Mr. Ivy has requested to postpone the appeal until the next Board of Aldermen meeting.

**Alderman Harris moved to postpone the appeal until the next Board of Aldermen meeting. Alderman Maddox-Dallas seconded.**

**The motion passed unanimously on a voice vote.**

#### A PUBLIC HEARING AND A RESOLUTION TO CONSIDER APPROVING A CONDITIONAL USE PERMIT FOR A FITNESS/PERSONAL TRAINING STUDIO AT 507 SOUTH HANLEY ROAD

**Mayor Sanger opened the Public Hearing and requested proof of publication.**

City Manager Owens reported that this is a public hearing and resolution to consider approving a Conditional Use Permit for the operation of a fitness studio at 507 South Hanley Road to be known as Gateway Crossfit. The Plan Commission considered this request at their October 7, 2013, meeting and voted unanimously to recommend approval with the conditions that class size be limited to six clients at any given time and that no classes or training activities that include any type of equipment be conducted outdoors. Recommendation is to approve a Conditional Use Permit for the operation of Gateway Crossfit at 507 South Hanley Road.

Mark Whitener and John Seiler, owners, addressed the Board to answer any questions.

**Mayor Sanger closed the Public Hearing.**

**Alderman Harris moved to approve Resolution No. 13-26, a conditional use permit for Gateway Crossfit at 507 S. Hanley Road. Alderman Maddox-Dallas seconded.**

**The motion passed unanimously on a voice vote.**

**A PUBLIC HEARING AND A RESOLUTION TO CONSIDER APPROVING A CONDITIONAL USE PERMIT FOR A FITNESS/PERSONAL TRAINING STUDIO AT 7901 CLAYTON ROAD**

This is a public hearing and resolution to consider approving a Conditional Use Permit for the operation of a fitness studio at 7901 Clayton Road to be known as Fuel. The Plan Commission considered this request at their October 7, 2013 meeting and voted unanimously to recommend approval. Recommendation is to approve a Conditional Use Permit for the operation of Fuel at 7901 Clayton Road.

Jeffrey Brockes, owner, and John Hanlon, property owner, addressed the Board to answer any questions.

Alderman Garnholz noted that the conditional use permit did not include any stipulation to ensure the clean-up of the landscape area in front of the property as recommended by the Plan Commission.

Susan Istenes confirmed that the Plan Commission added a stipulation to the permit that the landscape area is brought to compliance.

In response to City Manager Owen's question, John Hanlon, property owner, stated that he was in total agreement and will comply with the stipulation regarding the landscape.

Per City Attorney O'Keefe the conditional use permit will be amended to include the following: (5) *The landscaping on the site be brought into compliance with City standards and improved as specified by the Director of Planning & Development Services and any exterior revisions be approved by the City prior to such change.*

**Alderman Harris moved to approve Resolution No. 13-27, a conditional use permit for Fuel at 7901 Clayton Road as amended. Alderman Maddox-Dallas seconded.**

**The motion passed unanimously on a voice vote.**

**AN ORDINANCE TO CONSIDER REZONING 8260 FORSYTH BOULEVARD BY REMOVING IT FROM THE MARYLAND GATEWAY OVERLAY DISTRICT**

City Manager Owens reported that this is an ordinance to consider rezoning 8260 Forsyth Boulevard by removing it from the Maryland Gateway Overlay District. This was considered at the October 22, 2013 Board of Aldermen meeting and was recommended denial by a vote of 5 – 1. Tonight is the second reading and staff recommendation is to deny the request to rezone.

**Alderman Harris introduced Bill No. 6415, an ordinance to approve a request for rezoning 8260 Forsyth Blvd to be removed from the Maryland Gateway Overlay District to be read for the second time by title only. Alderman Maddox-Dallas seconded.**

**City Attorney O’Keefe reads Bill No. 6415, An Ordinance Rezoning the Property Known and Numbered As 8260 Forsyth Boulevard By Removing It From the “Maryland Gateway Overlay Zoning District” and Amending Article XIV of Chapter 410 of the Code of Ordinances of the City of Clayton By Adjusting the Boundaries of Said Overlay District Accordingly for the second time by title only; Alderman Harris – Nay; Alderman Maddox-Dallas – Nay; Alderman Garnholz – Nay; Alderman Winings – Nay; Alderman Boulton – Nay; Alderman Berger – Aye; and Mayor Sanger – Nay. The motion failed receiving, 1 – aye; 6 – Nays.**

**AN ORDINANCE TO CONSIDER A NEW FEE CALCULATION FOR COMMENCING WORK PRIOR TO OBTAINING A PERMIT FROM THE FIRE DEPARTMENT**

City Manager Owens reported that this is an ordinance to update and change to a new fee calculation for commencing work prior to obtaining a permit from the Fire Department. The current methodology has doubled the fee if staff finds that someone is performing work without the proper permits. The current fee has not been an effective deterrent for many contractors and property owners and staff is discovering a large number of violations. Recommendation is to approve an ordinance amending the fire prevention code to increase permit fees for those who commence work or operation before obtaining the necessary permits. The fee adjustment is intended to reflect the additional service required to expedite the review and inspection for work already in progress.

In response to Mayor Sanger’s question, Chief Thorp explained that when the staff reviews the job they can determine the percentage of work that has been completed as it compares to the plans submitted.

In response to Alderman Boulton’s question, Chief Thorp said that when staff discover those jobs being done they submit a stop work order and require that the contractor/property owner apply for the proper permits which would include submitting a copy of the plans.

Chief Thorp explained that one of the reasons for the amendment is that currently the fees are low enough the contractors/property owners will take the risk of paying a minimal fine versus applying for a permit.

**Alderman Harris introduces Bill No. 6417, an ordinance to approve an increase in permit fees to be read for the first time by title only. Alderman Maddox-Dallas seconded.**

**City Attorney O’Keefe reads Bill No. 6417, an Ordinance Amending the Fire Prevention Code of the City of Clayton, Missouri, to Increase Permit Fees For Those Who Undertake Work Without Obtaining Required Permits and Timely Inspections for the first time by title only.**

**The motion passed unanimously on a voice vote.**

**Alderman Harris introduces Bill No. 6417, an ordinance to approve an increase in permit fees to be read for the second time by title only. Alderman Maddox-Dallas seconded.**

**City Attorney O'Keefe reads Bill No. 6417 for the second time; Alderman Harris – Aye; Alderman Maddox-Dallas – Aye; Alderman Garnholz – Aye; Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Berger – Aye; and Mayor Sanger – Aye. The Bill was adopted and became Ordinance No. 6293 of the City of Clayton.**

**A RESOLUTION IN SUPPORT OF THE PRIORITY PROJECTS CONTAINED WITHIN THE SHAW PARK MASTER PLAN OVERLAY**

City Manager Owens reported that this is a resolution to support the three prioritized items in the Shaw Park Master Plan Overlay. There have been a couple of presentations to the Board within the past year and the Board has had good discussion. The Parks and Recreation Commission have reviewed the plan multiple times and at their November 4, 2013 meeting they voted unanimously in favor of pursuing the priority projects of the Shaw Park Master Plan Overlay. Staff recommendation is to approve the resolution in support of the priority projects A, B, and C contained within the Shaw Park Master Plan Overlay. He explained that some of the constituents involved with the project are unable to move forward with pursuing the funding for those projects. He noted that there are other projects besides A, B, and C in the Plan, but more discussion will be required before a final approval decision is made on those other projects.

At Mayor Sanger's request, Patty DeForrest described the Projects A, B, and C of the Overlay. Project A.-The North Hill, Forsyth/Brentwood, garden, and waterfall; Project B.-The Ice Rink/multi-purpose, year round facility; and Project C.-The Century Garden Redesign.

Alderman Boulton expressed that she was confused about tonight's recommendation for approval. She thought there was further discussion needed among the Board of Aldermen and thought that the Board focused more on the survey than on the projects. She stated that she is not prepared to vote on this item tonight.

Mayor Sanger stated that in reference to the survey and whether a portion of the projects would be included on the survey. The purpose of tonight's resolution is to acknowledge to CCF and to the Parks Commission that the Board recognize the three major aspects of the Overlay as being priorities in terms of CCF's funding.

Alderman Boulton stated that she understands that part, but from her perspective she has never felt that these particular issues have not been discussed by the Board as a group if they are priorities. She recalls that the discussion was to whether or not place the issues on the survey.

Alderman Harris pointed out that Project B. Ice Rink/Multi-Use Facility has gone through a number of public engagement sessions; the Jacobs design has been presented a number of times to the public, to the Board of Aldermen, and to the Parks and Recreation Commission; and has also gone through several alterations because of input that was received. She explained that the Clayton Century Foundation (CCF) has endorsed the projects and now the Parks & Recreation Commission has given a final endorsement. She feels that if the Board delays any further it could possible hinder the fundraising efforts with CCF and places the staff on hold until they know that the funding is available. She offered to meet with Alderman Boulton to further discuss and bring her up to date.

Alderman Berger commented that he is surprised to hear about the waterfall in Project A and stressed his concerns with regard to a water system.

Patty DeForrest clarified that she mistakenly said waterfall, but in fact it is a water feature instead and does not include the basin area of the hill.

Mayor Sanger explained that tonight's approval is in order to have procedures put into place by CCF to start fundraising for the projects which are already on the CCF project list. He noted that the November 26 Board meeting will be cancelled due to a lack of a quorum (confirmed by the Alderman Maddox-Dallas stating that she will also be absent for the meeting) and therefore if not voted on tonight the resolution will be pushed to the December meeting which further prolongs the process.

Alderman Winings stated that he would like to have a unanimous vote and would prefer tabling the item for further discussion in order for Alderman Boulton's questions and concerns are addressed.

Alderman Harris explained that the CCF is ready to begin the fundraising. They have already hired the Rome Group to do a feasibility study and feels that this should not be prolonged any further.

Alderman Maddox-Dallas commented that she too understands being new on the Board, but the quandary is that the Board shifts and changes and some initiatives have been discussed or considered prior to and/or much longer than their elected terms.

In response to Alderman Boulton's question, Mayor Sanger explained that his change of thought strictly had to do with how the project(s) was financed and didn't have anything to do with his priority of the different projects or how he liked it, although he noted that he was not in support of the stream. With regard to the financing and when he was meeting with CCF he had come to the conclusion that their ability to raise \$23 million was very minimal and would take a very long time for that amount to be raised while in the meantime the City would spend money every year to maintain the skating rink. He said that at a certain point down the road the cooling system at the ice rink would become illegal due to the current system and the City would eventually have to shut it down or go through another big expense to convert it to a new system. It seemed to him that if the City decided to take on the responsibility or even go to the public and ask if they wanted to take on some of that responsibility for Project B it would give impetus to CCF to raise the funds for the other two projects knowing that it was true public/private participation. The ability for CCF to raise money for the other projects would be much easier and could be seen in this current lifetime.

Mayor Sanger commented that he fully agrees with the Parks Department that other aspects of the project are either nebulous or could be picked up at a future date when the time and the money was right, but Projects A, B, and C are the core of the Overlay and he personally agrees with the way they look and has his support.

In response to Alderman Boulton's question, Alderman Berger stated that Patty's clarification was very helpful. He commented that Mayor Sanger's comments were appropriate and helpful and he thinks that the City has an outstanding opportunity, this issue has been vetted a number of times and there is no question that Project A has tremendous value in both the business and residential communities. The multi-purpose building is a value-added, the detail of the project is down the road, and Project C is a much smaller project area in terms of dollars and cents. He stated that he has no problem with the Overlay project going forward.

In response to Alderman Boulton's question, Alderman Winings stated that he can appreciate the position that she is in because he has had more time in the process. Having been a member on the CCF Committee and Parks and Recreation Commission he has been part of several presentations and discussions. He stated that he likes the plan - it's dramatic, attractive and has gone through a good process including being the product of a lot of public engagement. The Parks and Recreation Commission are in support of the plan. He commented that he is comfortable with the vision of the plan.

Alderman Garnholz clarified that the Board's approval basically will give CCF support for the fundraising and does not address what part of the plan they or the City will pay for.

Alderman Boulton thanked everyone for their thoughts and comments and noted that she was ready to vote.

**Alderman Harris moved to approve the priority projects for the Shaw Park Master Plan Overlay, Projects A, B, and C. Alderman Maddox-Dallas seconded.**

**The motion passed unanimously on a voice vote.**

#### Other

Alderman Harris reported the St. Louis County Municipal League had a presentation with regard to the City of St. Louis re-entering St. Louis County. There is a committee that is meeting with involved stakeholders to receive input and the committee will make reports to the Municipal League membership and board. She will keep the Board of Aldermen up-to-date with information.

Alderman Maddox-Dallas reported that the Sustainability Committee discussed the Plastic Bag Initiative. Due to the fact that most plastic bags are now made to "break-down" or recycle and also the economic impact on the businesses in the community the Committee is recommending to the students that they submit alternative ideas (i.e. incentives, accommodating recycling, etc.)

Alderman Maddox-Dallas officially announced that she would not be running for office next year due to her personal commitments.

Alderman Garnholz reported that the Plan Commission members are continuing their education seminars. City Attorney O'Keefe presented on statutory and constitutional authority. The next meeting(s) they will focus on the zoning ordinance.

Alderman Garnholz announced that the Holiday Champaign Stroll is scheduled for November 24. There are 34 retailers participating and there will be a shuttle service provided.

Alderman Berger reported on the Non-Uniformed Employees Retirement Board

Mayor Sanger reported that he attended the Veteran's Memorial Dedication, very nice event. The MYAC met at the Police Department, Chief Byrne, Judge Krane, and Prosecuting Attorney Crotzer each gave presentations to the group.

**Alderman Berger moved that Board adjourn to a closed meeting, with a closed vote and record, as authorized by Section 610.021(1), (2) and (3) Revised Statutes of Missouri, relating to legal issues, real estate and/or personnel, and to discuss matters related to negotiation of a contract pursuant to Section 610.021(12), RSMo. and/or proprietary information pursuant to Sec. 610.021(15). Alderman Boulton seconded the motion.**

**Alderman Harris – Aye; Alderman Maddox-Dallas – Aye; Alderman Garnholz – Aye; Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Berger – Aye; and Mayor Sanger – Aye.**

There being no further regular business the meeting was adjourned at 8:35 p.m.

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Mayor

ATTEST:

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City Clerk